

As noted previously, Geiger discloses a screw cap 1 formed of an outer cap 2 and an inner cap 3, the outer cap 2 including inner threads 5, 6 for engagement with threads 9, 10 on the external surface of neck 7 of container 8 and a projection 23b which, when the outer cap 2 is unscrewed relative to the neck 9, will raise the inner cap 3. The inner cap 3 is made of deep-drawn sheet metal (col. 3, line 38) which provides an annular groove 14 at its periphery containing a soft-elastic sealing layer 12 that engages the face of the opening edge 13 of the neck 7, and a downwardly sloping outer edge portion 16 that defines a lower edge 22 for contact with projection 23b. All embodiments of the inner cap 3, including the one depicted in Fig. 8, include a downwardly sloping peripheral wall part. Clearly, none of the inner cap embodiments are "planar."

Lecinski discloses a composite closure which includes a ring member 20 and a closure panel 22 for positioning on a container neck finish 14. The closure panel 22 includes a panel member 36 which has an external protective coating 38 and is configured to have a peripheral, annular, downwardly open channel 40 for containing a gasket 42.

Acton discloses a closure cap 1 which includes a cover portion 2 with a skirt 3, and a paperboard or rubber liner 6 therewithin that can contact the finish 11 of the container 10. The liner 6 appears to be planar and is retained within the cover portion 2 by lugs 7.

The examiner asserts that, based on the use of planar inner lid 6 in Acton, it would be obvious to reconstruct the inner lid of Geiger to be "completely planar." This conclusion is totally unsupported!

Although the inner lid 6 in Acton does appear to be planar, there is no discussion of this fact in the specification and thus absolutely no "teaching" that would suggest use of a planar inner lid in some other environment. Indeed, reconstructing the inner cap of Geiger to be "completely planar" would mean omission of the downwardly extending peripheral wall part found on each embodiment of the Geiger invention. This would certainly not be "obvious"!

The applicant asserts that the examiner's prior art rejection based on Geiger in view of Lecinski and Acton must be withdrawn.

The examiner has rejected claims 49 and 52-55 under 35 U.S.C. 103(a) as being unpatentable over Geiger in view of Hayes and Acton, and he has rejected claim 41-48 under 35 U.S.C. 103(a) as being unpatentable over Geiger in view of Hayes, Acton and Osip et al.

However, for the same reasons as given above, even if the inner cap of Geiger is modified to include three layers based on Hayes, it would not be obvious to make it planar based on Acton.

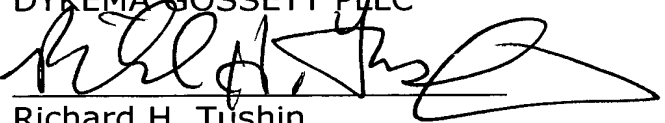
The examiner's indication of allowable subject matter in claims 50 and 51 is noted with appreciation; however, it is believed that all the presented claims define novel and patentable subject matter!

Favorable reevaluation is requested.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read 'Richard H. Tushin', written over a horizontal line.

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